

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. H-03/10-128
)
 Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Office of Vermont Health Access (OVHA) denying her coverage under VHAP for transportation services. The issue is whether transportation is a covered service.

FINDINGS OF FACT

1. The petitioner is a recipient of VHAP, and has a variety of medical problems. She has been prescribed physical therapy and mental health counseling. She alleges that her ability to access these services is restricted by her inability to obtain transportation to them from her home.

2. The Department has denied her request for transportation services pursuant to its current policy (see *infra*) of excluding such services from coverage under VHAP.

3. The petitioner is not working, and has applied for Social Security disability benefits. At her hearing held on May 6, 2010, she was advised that she should also apply for Medicaid on the basis of disability. Medicaid, unlike VHAP,

includes coverage for medically necessary transportation services.

ORDER

The Department's decision is affirmed.

REASONS

There is no dispute in this matter that transportation services are medically necessary for the petitioner to access certain medical appointments. However, current VHAP regulations specifically preclude coverage for such services. W.A.M. § 5351 and Procedures Manual § P-4003. In other cases the Board has noted that such blanket exclusions of coverage under VHAP are not inconsistent with the underlying federal and state statutes and regulations. See e.g. Fair Hearing No. 21,122. Therefore, the Department's decision in this case must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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